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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,266	03/09/2004	Giuseppe Pescini	163-537	2386

47888 7590 06/30/2006
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EXAMINER

CLEMENT, MICHELLE RENEE

ART UNIT PAPER NUMBER

3641

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the elastomeric body (20) having a toroidal shape must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

Art Unit: 3641

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a loading device for a semi-automatic rifle operable by a loading and firing mechanism, does not reasonably provide enablement for the device comprising a piston slidable *over* a gas cylinder of the rifle. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. It is not clear to the examiner how the piston can be slidable over the gas cylinder of the rifle since by definition a piston is a “solid cylinder or disk that fits snugly into a larger cylinder and moves back and forth under fluid pressure”, applicants “piston” (reference 12) does not appear to be inside any type of cylinder and therefore it is not clear how it can be a “piston”. Furthermore it is not clear how element 11 is a gas cylinder since it appears that no gas enters the area of 11 and the area of 11 is where a cartridge would normally be loaded into the magazine.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Applicant repeatedly uses the terms “which” and “it” but it is not clear to what element or structure these terms are referring to.

Art Unit: 3641

7. Claim 1 recites the limitations "the charge" and "the thrust". There is insufficient antecedent basis for this limitation in the claim.
8. Claim 6 recites the limitation "said sleeve". There is insufficient antecedent basis for this limitation in the claim.
9. Claim 9 recites the limitation "the thrust surface" and "the channeling". There is insufficient antecedent basis for this limitation in the claim.
10. Claim 10 recites the limitation "said rifle butt". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Badali et al. (US Patent # 5,429,034), as interpreted by the examiner. Badali et al. discloses a firearm and loading device comprising an element (reference 12) slidable over a cylinder (equivalent to applicant's gas cylinder) of the rifle, the element is actuated by the combustion of a charge contained in a cartridge, the device comprises a compressible and deformable o-ring (i.e. toroidal) elastomeric body (references 21 and 22) capable of transmitting to the element a thrust generated by the recovered portion of gas in a thrust chamber. The O-ring encloses a sleeve integral with the element. The sleeve is slidable over the cylinder. The o-ring and sleeve are inserted in a cylindrical body (reference 9) joined at one end to a support connect to the barrel. The support

Art Unit: 3641

comprises a channeling that directs gas recovered from the barrel toward the thrust chamber.

The sleeve comprises an annular portion at one end that is associated to the element and to a control ring at its opposite end. The o-ring is inserted between the annular portion and the control ring and is maintained in contact with the sleeve by way of an elastic ring (inasmuch as applicant's is). The thrust chamber is delimited by the control ring, by the outer surface of the cylinder and by the walls of the support. The control ring determines a thrust surface for the gases that come from the channeling. The element is maintained in contact with the sleeve by way of an annular spring enclosing the cylinder and blocked at one of its ends by a shoulder of the rifle butt.

Conclusion

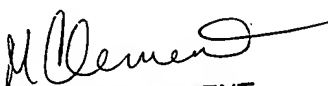
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vignaroli et al. (US Patent # 6,616,592), Norton et al. (US Patent # 5,872,323), Badali (US Patent # 3,568,564), Hodil (US Patent # 3,572,729), Liedke (US Patent # 4,174,654), Beretta (US Patent # 6,508,160).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3641

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


MICHELLE CLEMENT
PRIMARY EXAMINER